

REMARKS/ARGUMENTS

Claims 39-65 are pending.

Applicants thank the Examiner for the allowance of claims 50-65.

Claims 39, 42-44 and 46-49 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,148,414. Although it is believed that these claims to be patentably distinct from claims 1-2 of the '414 patent, in order to expedite prosecution, a Terminal Disclaimer in compliance with 37 CFR §1.321(c) is submitted herewith. Accordingly, it is respectfully asserted that this double patenting rejection has been overcome and that all pending claims are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Gerald T. Gray
Reg. No. 41,797

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
GTG:sea
60294405 v1